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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,558	10/13/2000	Tetsuya Kubo	33045	9039
116	7590	01/02/2004	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			MILORD, MARCEAU	
		ART UNIT	PAPER NUMBER	
		2682		
DATE MAILED: 01/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/687,558	KUBO ET AL.
	Examiner Marceau Milord	Art Unit 2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 05 September 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,4 and 6 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,4 and 6 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

 1. Certified copies of the priority documents have been received.

 2. Certified copies of the priority documents have been received in Application No. _____.

 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) Interview Summary (PTO-413) Paper No(s) _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al (US Patent No 5956625) in view of Deguchi (US Patent No 5793619).

Regarding claim 1, Hansen et al discloses a portable cellular phone (figs. 1-3) comprising: a case body (3 of figs. 1-3) including an operating section and stopper portions (23 of figs. 9-10; col. 2, lines 54-67); and a sliding cover (2 of figs. 1-3) covering the operating section of said case body and being slidably supported on said case body wherein the stopper portions (23 of figs. 9-10) of said case body restricts a sliding range of said sliding cover (col. 3, lines 13-31; col. 4, lines 49; col. 5, lines 4-28).

However, Hansen et al does not specifically disclose the features of a sliding cover which is mounted and detached with respect to said case body by applying an outer force to said to

sliding cover in a direction perpendicular to a sliding direction when said sliding cover is positioned at a specific position within the sliding range.

On the other hand, Deguchi, from the same field of endeavor, discloses an electronic appliance housing capable of simply detaching a cover mounted on a housing, especially easily releasing a locking condition, and capable of fixing the cover when being mounted on the housing (figs. 6-8; col. 1, lines 56-67). Furthermore, the operation portion has a portion slid along a direction perpendicular to the sliding direction of the cover. With this sliding portion, the locking portion is slidably entered/derived into the locking groove (col. 2, lines 1- 34). When the cover is mounted on the housing and the operation portion is depressed downwardly under locking state by the operation portion, the locking portion fitted to the locking groove of the cover is also moved downwardly (col. 2, lines 56-63). Then, a wedge portion is produced by abut force exerted between the locking portion and an inclined edge located opposite to the locking groove. The cover is slid along the removing direction in response to force produced by this wedge effect (see figs. 5B and fig. 8B; abstract; col. 2, lines 57-67; col. 5, lines 47-67; col. 6, lines 6-19; col. 6, lines 50-58). Since the user can adjust the sliding distance of the cover or position the mounting position of the cover, the operability can be improved. Moreover, the operation of attaching or detaching the cover onto the housing can be executed smoothly. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to introduce an application of a force being perpendicular to a sliding direction when the sliding cover is positioned at a specific position within the sliding range as taught by Deguchi into Hansen so as to easily close a cover in a portable unit such as a telephone unit. Furthermore,

a motivation to combine Deguchi and Hansen would have also been for a safety measure in order to prevent the cover from falling off of the telephone unit itself.

Regarding claim 4, Hansen et al discloses a portable cellular phone (figs. 1-3) comprising: a case body (3 of figs. 1-3) including a key operating section (5 of fig. 3), a voice receiving section, a voice transmitting section (see fig. 3; col. 3, lines 26-44), and a pair of locking portions (22 of fig. 7 and 22 of fig. 9; col. 1, line 64- col. 2, line 8) and a sliding cover (2 of figs. 1-3; col. 3, lines 27-52) including a U-shaped cutout and a pair of sliding cover locking portions for covering the key operating section of said case body (3 of figs. 1-3; col. 5, lines 1-19), wherein the locking portions of said case body are arranged on laterally opposite sides of a sliding direction of said sliding cover for keeping said sliding cover opened (col. 1, lines 39-59; col. 3, lines 8- 26; col. 4, lines 11-36).

However, Hansen et al does not specifically disclose the features of a sliding cover which is mounted with respect to said case body by applying an outer force to said sliding cover when one of the sliding cover locking portions of said sliding cover is engaged with one of said locking portions of said case body and the other sliding cover locking portions is aligned in position on the other locking portion of said case body.

On the other hand, Deguchi, from the same field of endeavor, discloses an electronic appliance housing capable of simply detaching a cover mounted on a housing, especially easily releasing a locking condition, and capable of fixing the cover when being mounted on the housing (figs. 6-8; col. 1, lines 56-67). Furthermore, the operation portion has a portion slid along a direction perpendicular to the sliding direction of the cover. With this sliding portion, the locking portion is slidably entered/derived into the locking groove (col. 2, lines 1- 34). When the

cover is mounted on the housing and the operation portion is depressed downwardly under locking state by the operation portion, the locking portion fitted to the locking groove of the cover is also moved downwardly (col. 2, lines 56-63). Then, a wedge portion is produced by abut force exerted between the locking portion and an inclined edge located opposite to the locking groove. The cover is slid along the removing direction in response to force produced by this wedge effect (see figs. 5B and fig. 8B; abstract; col. 2, lines 57-67; col. 5, lines 47-67; col. 6, lines 6-19; col. 6, lines 50-58). Since the user can adjust the sliding distance of the cover or position the mounting position of the cover, the operability can be improved. Moreover, the operation of attaching or detaching the cover onto the housing can be executed smoothly. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to introduce an application of a force being perpendicular to a sliding direction when the sliding cover is positioned at a specific position within the sliding range as taught by Deguchi into Hansen so as to easily close a cover in a portable unit such as a telephone unit. Furthermore, a motivation to combine Deguchi and Hansen would have also been for a safety measure in order to prevent the cover from falling off of the telephone unit itself.

Regarding claim 6, Hansen et al discloses a method of mounting a sliding cover for a portable cellular phone (figs. 1-3) comprising a case body (3 of figs. 1-3) including a key operating section 5 of fig. 3), a voice receiving section, a voice transmitting section (see fig. 3; col. 3, lines 26-44), and marks (it is considered that the locking bosses can perform alignment, see figs. 7 and 9); and the sliding cover (2 of figs. 1-3) including a U-shaped cutout for covering the key operating section of the case body (3 of figs. 1-3), said method comprising: positioning one of distal ends of the cutout of the sliding cover to one of the mark of the case body (3 of figs.

1-3; col. 1, lines 39-63; col. 5, lines 4-40); positioning the other distal end of the cutout of the sliding cover (2 of figs. 1-3) to the other mark of the case body (3 of figs. 1-3; col. 3, lines 13-45)

However, Hansen et al does not specifically disclose the steps of applying an outer force on the sliding cover from the above after positioning the distal ends of the cutout of the sliding cover in order to mount the sliding cover on the case body.

On the other hand, Deguchi, from the same field of endeavor, discloses an electronic appliance housing capable of simply detaching a cover mounted on a housing, especially easily releasing a locking condition, and capable of fixing the cover when being mounted on the housing (figs. 6-8; col. 1, lines 56-67). Furthermore, the operation portion has a portion slid along a direction perpendicular to the sliding direction of the cover. With this sliding portion, the locking portion is slidably entered/derived into the locking groove (col. 2, lines 1- 34). When the cover is mounted on the housing and the operation portion is depressed downwardly under locking state by the operation portion, the locking portion fitted to the locking groove of the cover is also moved downwardly (col. 2, lines 56-63). Then, a wedge portion is produced by abut force exerted between the locking portion and an inclined edge located opposite to the locking groove. The cover is slid along the removing direction in response to force produced by this wedge effect (see figs. 5B and fig. 8B; abstract; col. 2, lines 57-67; col. 5, lines 47-67; col. 6, lines 6-19; col. 6, lines 50-58). Since the user can adjust the sliding distance of the cover or position the mounting position of the cover, the operability can be improved. Moreover, the operation of attaching or detaching the cover onto the housing can be executed smoothly. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to introduce an application of a force being perpendicular to a sliding direction when

the sliding cover is positioned at a specific position within the sliding range as taught by Deguchi into Hansen so as to easily close a cover in a portable unit such as a telephone unit. Furthermore, a motivation to combine Deguchi and Hansen would have also been for a safety measure in order to prevent the cover from falling off of the telephone unit itself.

Response to Arguments

3. Applicant's arguments filed on 9-5-2003 have been fully considered but they are not persuasive.

Applicant's representative argues that Deguchi and Hansen fail to teach "an outer force be applied when one of the sliding cover locking portion is engaged and the other locking portions is aligned in position". "No outer force is applied to the sliding cover itself".

However, in Deguchi's reference, it requires a force, which can be applied to the outer cover in order to disengage the lock (figs. 6-8). It well stated in the rejection that cover is sling along the removing direction in response to a force produced by this wedge effect. The operation portion has a portion slid along a direction perpendicular to the sliding direction of the cover (see figs. 5B, 6B and fig. 8B; abstract; col. 2, lines 57-67; col. 5, lines 47-67; col. 6, lines 6-19; col. 6, lines 50-58. Therefore, Deguchi does disclose the claimed limitation.

Hansen discloses contact conductors being placed in the telephone unit to receive the cover 2. See column 3, lines 50-59. The conductors are interpreted as marks being placed or aligned on the phone to facilitate the aligning process when mounting the cover 2 to the telephone unit. While applying a force to close the cover is not explicitly stated. One of ordinary skill in the art even an end user would have readily realized that a gentle force must be applied to the cover in order to properly close the phone unit with its sliding cover. Such a force being used

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on a covering unit is taught by Deguchi. Note figures 5B, 6B and 8B, column 4, lines 15-21, column 4, lines 57-67, column 6, lines 50-58 and column 7, line 55 to column 8, line 4 of Deguchi.

Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 703-306-3023. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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MARCEAU MILORD

Marceau Milord

Examiner

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LEE NGUYEN
PRIMARY EXAMINER